IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WA.No. 871 OF 2007

AGAINST THE JUDGEMENT IN WPC.7172/2007 DATED 02/03/2007

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APPELLANT/PETITIONER

JALAJA O, ASSISTANT ENGINEER,
ANCHAL BLOCK PANCHAYAT,ANCHAL P.O,KOLLAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS/RESPONDENTS

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1. STATE OF KERALA REP.BY ITS SECRETARY,
TO GOVERNMENT, DEPT.OF PUBLIC WORKS,GOVT.
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,P.W.D (NATIONAL
HIGHWAYS AND ADMINISTRATION),
THIRUVANANTHAPURAM.

3. GOPI.V,ASSISTANT ENGINEER,P.W.D
BUILDING SECTION,ANCHAL(ON TRANAFER)ANCHAL P.O,
KOLLAM DISTRICT.

4. THE PRESIDENT,ANCHAL BLOCK PANCHAYAT,
ANCHAL,KOLLAM DISTRICT.

GOVT. PLEADER SRI. BENNY GERVASIS.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & ANTONY DOMINIC, JJ.

W.A. NO. 871 OF 2007

DATED THIS, THE 2ND DAY OF APRIL, 2007.

J U D G M E N T

Raman, J.

The appellant who was working as Assistant Engineer in Building Section, Anchal, was transferred to the Block Development Office, Anchal vice Sri. Gopi, the third respondent was transferred to the Building Section, Anchal. Subsequently, the Anchal Block Panchayat passed a resolution requesting retention of Sri. Gopi in the Block Development Office pursuant to which the Chief Engineer passed Ext.P4 order putting back the appellant to the Building Section and posting Sri. Gopi in the Block Development Office. Challenge was made to the transfer so made by Ext.P4. The learned Single Judge found that there is no adverse consequence visiting the appellant and the appellant will continue to enjoy the service benefits and in the absence of any hardship there is no justification for challenging the order and so there was no circumstance made out for interference by this Court against which the present appeal is filed.

2. Learned counsel for the appellant contended that a transfer for

reasons of administrative exigencies could be made, but here the same has been resorted to merely because the Block Development Office is under the administrative control of the Panchayat and their wisdom to retain Gopi could not have been made a ground to re-transfer the appellant. Though we cannot say that the ground as alleged is without any force, the question still would be whether in the matter of transfer from one building to another the jurisdiction under Article 226 of the Constitution of India could be invoked and the learned Single Judge having declined to interfere with the matter which is a plausible view, we do not think this is a fit case for interference in appeal under Section 5 of the Kerala High Court Act. For this reason alone, we do not propose to interfere with the order passed by the learned Single Judge.

3. The writ appeal is accordingly, dismissed. However, if there is any grievance for the appellant, it is open to her to approach the Chief Engineer and the dismissal of the writ petition and this writ appeal will not stand in the way of the Chief Engineer in consideration of the grievance of the appellant.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-